

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**AZAMAT ZHANABAYEV,**

**Plaintiff,**

**vs.**

**LOREN K. MILLER, Director USCIS  
Nebraska Service Center,**

**Defendant.**

**4:25CV3031**

**ORDER TO SHOW CAUSE**

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff filed the Complaint on February 24, 2025. ([Filing No. 1](#)). On March 12, 2025, Plaintiff filed a document using the “Summons returned executed” event type indicating service of process was accomplished on February 26, 2025. ([Filing No. 5](#)). However, review of this document does not demonstrate service was actually accomplished on that date. Instead, this document states that on February 26, service was attempted at 1620 Dodge Street, Omaha, Nebraska, but the individual attempting to serve process was advised that “Loren K. Miller did not work in their office” and the “address on the summons was in Lincoln, Nebraska.” ([Filing No. 5](#)). Rule 4(i) of the Federal Rules of Civil Procedure provides, “To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.” Fed. R. Civ. P. 4(i). More than 90 days has elapsed since the Complaint was filed, and Plaintiff has not filed any return of service or signed waiver indicating service was properly made. Nor has the defendant entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Therefore, Plaintiff must show cause why this case should not be dismissed for failure to serve. See Fed. R. Civ. P. 4(m). Accordingly,

**IT IS ORDERED** that Plaintiff shall have until **June 16, 2025**, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 19<sup>th</sup> day of May, 2025.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge